

REMARKS

In response to the non-final Office Action, claims 3 and 5 have been amended to correct minor informalities. Accordingly, claims 1-11 and 13-17 are currently pending.

Claims 1-7, 9-11, 13-15 and 17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent No. 7,125,828 to Catlin.

Claim 1 recites a water-soluble container comprising at least one discrete chamber for containing product, wherein at least a part of a first wall of said at least one chamber will dissolve before a remainder wall of the chamber dissolves to allow product to escape, the at least part of the first wall which dissolves before the remainder wall dissolves defining a releasable part, and when the at least part of the first wall dissolves the releasable part is released undissolved.

As set forth in the specification as originally filed, a water-soluble container includes one or more discrete chambers for containing product, at least part of the wall of the chambers is adapted to dissolve before the remainder of the chamber to allow product to escape. This means that product can escape from a chamber without requiring complete dissolution of the chamber. This can be useful for decreasing the time taken for product to be released. It can also allow for a greater degree of control over when product is released because the area required to be dissolved is reduced.

The at least part of the wall can be an exterior surface of the container thereby releasing product from the container when it dissolves. The at least part of the wall forms can also form part of a chamber which is housed within another chamber that itself includes water, whereby the contents of the chambers are mixed when the at least part of the wall dissolves. This might be useful, for example, if the product in the inner chamber is activated by product in the outer chamber. This allows activation in a controlled environment before the activated product is released into the exterior of the container and could be useful for products which become unstable once activated.

The Examiner has cited Catlin as teaching a water soluble pouch that comprises a plurality of compartments. Importantly, the Examiner accepts that Catlin “fails to specifically disclose at least part of the wall of at least one chamber will dissolve before the remainder wall dissolves defining a releasable part which is released undissolved, as required in claim 1.”

In order to cure the deficiencies of Catlin the Examiner states that it would have been obvious to one of ordinary skill in the art at the time the invention was made to reasonably expect the thin portion of the water soluble portion of Catlin to dissolve first, thereby releasing the thick portion.

Applicants respectfully disagree. Catlin is concerned with the sequential release of components in a water soluble pouch. As described in Column 5, line 65 through column 6, line 3, Catlin is concerned with phased or sequential delivery of detergent actives and that each of the compartments of the pouch have a different disintegration rate or dissolution profile during use. Thus, Catlin discloses an arrangement in which *complete dissolution* of each chamber is required in order to achieve delivery.

As recited in claim 1, “the at least part of the first wall which dissolves before the remainder wall dissolves defining a releasable part, and when the at least part of the first wall dissolves the releasable part is released *undissolved*.” (Emphasis added).

Applicants respectfully submit that nowhere within the four corners of Catlin does the reference disclose or suggest a container having “at least part of the first wall which dissolves before the remainder wall dissolves defining a releasable part, and when the at least part of the first wall dissolves the releasable part is released undissolved,” as recited in claim 1.

The Examiner’s reliance on “one of ordinary skill in the art at the time the invention was made” to cure the deficiencies of Catlin. It has been well established that using applicant’s own invention as a template through a hindsight reconstruction of the claims is improper. Applicants respectfully submit that this is exactly what the Examiner is attempting.

The recent decisions in *KSR Int’l v. Teleflex Inc*, 127 S. Ct. 1727, 1740-41, 82 USPQ2d 1385, 1396 (2007) and *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc.*, 06-1402 (Fed. Cir. 2007), still require that the Examiner first make a proper prima facie case of obviousness before rejecting a claim.

As admitted by the Examiner, Catlin clearly does not disclose or suggest an element of claim 1, namely “the at least part of the first wall which dissolves before the remainder wall dissolves defining a releasable part, and when the at least part of the first wall dissolves the releasable part is released undissolved.”

Moreover, Catlin teaches away from the claimed invention as set forth above because

Catlin discloses an arrangement in which complete dissolution of each chamber is required in order to achieve delivery, i.e., a releasable part of Catlin's pouch is not left undissolved.

Accordingly, claims 1-7, 9-11, 13-15 and 17 are allowable over Catlin.

Claims 8 and 16 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Catlin in view of U.S. Patent No. 6,484,879 to Desmarais.

As Desmarais does not disclose a container with an "at least part of the first wall which dissolves before the remainder wall dissolves defining a releasable part, and when the at least part of the first wall dissolves the releasable part is released undissolved," as recited in claim 1, it fails to cure the deficiencies of Catlin. Therefore, claims 8 and 16 are also allowable.

In view of the foregoing, it is submitted that the present application is in condition for allowance and a notice to that effect is respectfully requested. However, if any issue remains after considering this response, the Examiner is invited to call the undersigned to expedite the prosecution and work out any such issue by telephone.

Respectfully submitted,

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